IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4914 of 2005

Between:

T.Yesudass, S/o.Balaiah,
R/o.2-76, Lakkaram Mandal, Utnoor, Adilabad District.

..... PETITIONER

AND

1. The Depot Manager APSRTC, Bus Depot, Manchirial, Adilabad District.
2. The Managing Director, APSRTC, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of writ of certiorari, quash the impugned award dated 05-06-2000 made in I.D.No.163/96, published on 24-07-2000 in respect of denial of continuity of service, back wages, and other benefit as illegal, unjust in violation of Art. 14, 16, & 21 of the Constitution of India, and consequently direct the respondents to arrange the back wages, for the interregnum period of removal along with other consequential benefits.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent Nos.1 and 2: SMT.P.RAJANI REDDY

The Court at the admission stage made the following O R D E R:

Challenging the award passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani in I.D.No.163 of 1996 dated 05.06.2000, the present writ petition is filed.

The petitioner was appointed as Conductor in the respondent-Corporation. A check was conducted on 24.05.1989 and found to have committed cash and ticket irregularities. After conducting domestic enquiry, the disciplinary authority ordered for removal of the petitioner from service vide proceedings dated 25.10.1989. Aggrieved by the said order, the petitioner raised an I.D.No.163 of 1996 before the Industrial Tribunal, Godavarikhani. The Tribunal, on appreciation of oral and documentary evidence available on record, came to the conclusion that as the petitioner completed one year three months three weeks service approximately with the respondent-Corporation as on the date of removal from service and taking into consideration the intentional delay of seven years in preferring the appeal and the I.D., it held that the petitioner is not entitled for backwages and ordered to appoint him as a fresh candidate.

Learned counsel for the petitioner contended that though the petitioner was directed to be taken into service as a fresh candidate, he is being paid daily wages only, but not regular wages as directed by the Tribunal. Therefore, he pays to issue necessary directions.

On the other hand, learned standing counsel appearing for the respondents contended that there are laches on the part of the petitioner in filing the writ petition and that there is abnormal delay of seven years in preferring the appeal and therefore, the Tribunal was justified in reinstating the

petitioner as a fresh candidate and denying the backwages and hence, prays to dismiss the writ petition.

The scope of judicial review is very much limited. Unless the principles of natural justice are violated or the findings recorded by the Tribunal are perverse or the petitioner was not afforded proper opportunity to adduce evidence or that the findings are not based on the material available on record, this Court will not interfere with the award passed by the Tribunal.

The petitioner was removed from service vide proceedings dated 25.10.1989. Aggrieved by the same, the petitioner preferred an appeal and the same was rejected by order dated 17.09.1993. Thereafter, the petitioner raised I.D. in the year 1996 and the same was allowed in part. The plea taken by the petitioner before the Tribunal that he was afforded opportunity to submit explanation before issuing charge sheet was negatived inasmuch as he was given ample opportunity to prove his innocence and therefore, it cannot be said that the findings are not based on the material available on record. Further more, the writ petition is liable to be dismissed on the ground of laches and no explanation is forthcoming for the delay of five years in filing this writ petition.

Hence the writ petition is devoid of merits and is liable to be dismissed at the stage of admission. It is brought to the notice of this Court that the respondents are not continuously engaging the petitioner pursuant to the directions of the Tribunal. Hence the petitioner shall be taken into service and he is at liberty to make representation and the same shall be considered in accordance with law. No costs.

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(K.C.BHANU,J)

Dt:23rd March, 2003

usd

To

1. The Depot Manager APSRTC, Bus Depot, Manchirial, Adilabad District.
2. The Managing Director, APSRTC, Musheerabad, Hyderabad.
3. Two CD copies.